

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

MONICA MAXWELL-DILLARD,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

HUMANA, INC. And HUMANA
GOVERNMENT BUSINESS, INC.,

Defendants.

Case No. _____

DEMAND FOR JURY TRIAL

**COLLECTIVE ACTION COMPLAINT FOR VIOLATIONS OF THE
FAIR LABOR STANDARDS ACT**

Monica Maxwell-Dillard (“Ms. Maxwell-Dillard” or “Plaintiff”), on behalf of herself and all others similarly situated, by and through her attorneys, upon personal knowledge as to themselves and upon information and belief as to other matters, submits the following Complaint against Defendants Humana, Inc. and Humana Government Business, Inc. (collectively “Defendants” or “Humana”), showing the Court as follows:

INTRODUCTION

1. This is a collective action brought by Plaintiff for unlawful acts committed by Humana against Plaintiff and those similarly situated. Plaintiff brings

this action for violations of the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* (“FLSA”), to obtain full and complete relief for Defendants’ failure to pay Plaintiff and all others similarly situated for overtime wages as required by the FLSA.

2. Humana employed Plaintiff and all those similarly situated during the three (3) years prior to the filing of this Complaint as Registered Nurse Case Managers. The primary duty of Registered Nurse Case Managers is to coordinate and deliver personalized care plans for patients in their homes. Humana classifies Plaintiff and other similarly situated Registered Nurse Case Managers as non-exempt employees paid at an hourly rate of pay.

3. Although Plaintiff and other similarly situated Registered Nurse Case Managers are paid on an hourly basis, Humana does not allow them to record more than forty hours of work per week. In order to fully perform their job duties, Plaintiff and other similarly situated Registered Nurse Case Managers regularly work in excess of 40 hours per workweek, but Humana does not compensate them at the overtime rate for all hours worked in excess of 40 hours per workweek.

4. Accordingly, Plaintiff brings this action, pursuant to 29 U.S.C. § 216(b), on behalf of a collective of persons who are or were employed by Humana as Registered Nurse Case Managers, or other similar job titles, during the past three (3) years through the final date of the disposition of this action who were classified as non-exempt employees but not paid the statutorily required rate of one-and-one-

half (1½) times their hourly rate for all hours worked in excess of 40 per workweek and are entitled to recover: (i) unpaid paid wages for all hours worked in a workweek, as required by law, (ii) unpaid overtime, (iii) liquidated damages, (iv) interest, and (v) attorneys' fees and costs, pursuant to the FLSA and such other and further relief as this Court finds necessary and proper.

5. Plaintiff has repeatedly raised concerns regarding her working hours to her managers but been told to not record more than 40 hours per week. Humana knowingly and deliberately fails to compensate Plaintiff and similarly situated Registered Nurse Case Managers for all hours worked.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, which confers original jurisdiction upon this Court for actions arising under the laws of the United States.

7. Pursuant to 28 U.S.C. § 1391 and Local Rules 3.1(B)(2) and 3.1(B)(3), venue is proper in this Court because the unlawful employment practices described herein were committed within the Rome Division of the Northern District of Georgia, and Ms. Maxwell-Dillard is a resident of this District.

PARTIES

8. Ms. Maxwell-Dillard is a resident of Paulding County, Georgia. Ms. Maxwell-Dillard has worked for Humana since 2017. Ms. Maxwell-Dillard is an “employee” as defined by the FLSA, 29 U.S.C. § 203(e)(1).

9. Humana is a foreign for-profit corporation that is licensed to conduct business in Georgia.

10. Defendants Humana, Inc. and Humana Government Business, Inc. may be served with process by delivering a copy of the Summons and Complaint to their registered agent, CT Corporation System at 289 S. Culver St., Lawrenceville, Georgia 30046-4805.

11. At all relevant times, Humana has been an “employer” and/or “joint employer” of Plaintiff and all others similarly situated as those terms are defined by 29 U.S.C. § 203(d) and 29 C.F.R. § 791.2, respectively.

12. At all relevant times, Plaintiff and all others similarly situated were “employees” of Humana as that term is defined by 29 U.S.C. § 203(e).

13. Plaintiff and all others similarly situated worked for Humana within the three (3) years preceding the filing of this action.

14. Plaintiff and all others similarly situated are individuals who have been employed by Humana as Registered Nurse Case Managers, or with other similar job titles, who worked more than 40 hours in a workweek, who were paid on an hourly

basis during the three (3) years preceding the filing of this action and continuing through the duration of this action, and who were not paid overtime compensation for all hours worked over 40 in a week.

15. Plaintiff has consented in writing to be a party to this action pursuant to 29 U.S.C. § 216(b) per the Consent to Join form attached as Exhibit 1.

16. Humana is, and has been at all relevant times, been an “enterprise” having two or more employees directly engaged in commerce, and/or engaged in the production of goods for commerce, and/or handling, selling or otherwise working on goods or materials that have been moved in or produced for commerce, as those terms are defined under the FLSA.

17. On information and belief, the amount of qualifying annual volume of business for Humana exceeds \$500,000.00 and thus, Humana is subject to the FLSA’s overtime requirements.

18. On information and belief, Humana is engaged in interstate commerce. This independently subjects Humana to the overtime requirements of the FLSA.

STATEMENT OF FACTS

19. Ms. Maxwell-Dillard resides within this judicial district and has worked for Humana since 2017. Ms. Maxwell Dillard has worked for Humana as a Registered Nurse Case Manager from 2017 through the present.

20. At all relevant times during employment with Humana as a Registered Nurse Case Manager, Plaintiff has been paid on an hourly basis and treated as non-exempt under the FLSA.

21. Throughout the relevant time period, on average, Plaintiff estimates she worked approximately 50-55 hours per workweek.

22. Despite working 50-55 hours per week, Plaintiff has been repeatedly told by her managers that she should record no more than forty (40) hours per week. Humana's managers have at all relevant times known that Plaintiff and others similarly situated were regularly working overtime and were not being paid for overtime hours worked.

23. Plaintiff has not been paid the overtime premium of one-and-a-half (1½) times her hourly pay rate for all hours worked in excess of 40 hours per workweek.

24. Humana violated the FLSA by failing to pay Plaintiff the overtime premium of one-and-a-half (1½) times her hourly rate for all hours worked in excess of 40 hours per workweek.

FLSA COLLECTIVE ACTION FACTUAL ALLEGATIONS

25. Plaintiff brings this collective action on behalf of herself and all others similarly situated pursuant to 29 U.S.C. § 216(b).

26. Plaintiff seeks to represent the following group of similarly situated persons pursuant to 29 U.S.C. § 216(b):

All persons who were or are employed by Humana as Registered Nurse Case Managers, and/or those performing materially similar work, at any time within three (3) years prior to the filing of this Complaint and who were classified as non-exempt employees and were not paid the overtime premium of one-and-a-half (1½) times their hourly rates for all hours worked in excess of 40 hours per workweek (the “FLSA Collective”).

27. Plaintiff and the FLSA Collective were classified as non-exempt employees and were paid on an hourly basis.

28. At all relevant times, Plaintiff and the FLSA Collective have had substantially similar job duties, and have been subject to Humana’s decision, policy, plan, programs, practices, procedures, protocols, and rules of knowingly and purposefully refusing to pay them overtime (i.e., time and one-half their regular hourly rates of pay) for all hours worked over 40 in a week.

29. At all relevant times, Plaintiff and the FLSA Collective consistently worked more than 40 hours in a week.

30. At all relevant times, Plaintiff and the FLSA Collective were not paid overtime for all hours worked over 40 in a week.

31. At all relevant times, Humana had knowledge that Plaintiff and the FLSA Collective worked more than 40 hours in a week.

32. At all relevant times, Humana failed to maintain accurate time records of all hours worked by Plaintiff and the FLSA Collective.

33. The FLSA Collective is so numerous that joinder of all members is impracticable.

34. There are questions of law or fact common to the FLSA Collective, and a collective action is superior to other available methods for the fair and efficient adjudication of the controversy. Without judicial resolution of the claims asserted on behalf of the proposed collective, Humana's continued violations of the FLSA will undoubtedly continue.

35. Questions of law and fact common to the members of the FLSA Collective predominate over questions that may affect only individual members because Humana has acted on grounds generally applicable to all members of the FLSA Collective.

36. The claims of the Plaintiff and defenses thereto are typical of the claims or defenses of the FLSA Collective.

37. Plaintiff will fairly and adequately protect the interests of the FLSA Collective.

COUNT ONE
Violations of the Fair Labor Standards Act
(Failure to Pay Overtime Compensation)

38. At all times relevant, Humana has been an employer engaged in interstate commerce and/or the production of goods for commerce.

39. At all relevant times, Humana employed Plaintiff and the FLSA Collective within the meaning of the FLSA.

40. At all relevant times, Humana has had annual gross revenues in excess of \$500,000.00.

41. During the three (3) years preceding the filing of this action, Humana violated the FLSA by failing to pay Plaintiff and the FLSA Collective overtime (i.e., time and one-half their regular hourly rates of pay) for all hours worked over 40 in a week.

42. During the three (3) years preceding the filing of this action, Humana operated under a decision, policy and plan, programs, practices, procedures, protocols, and rules of knowingly and purposefully refusing to pay Plaintiff and the FLSA Collective overtime for all hours worked over 40 in a week.

43. Plaintiff and the FLSA Collective were classified as non-exempt employees and were paid on an hourly basis.

44. Humana suffered and permitted Plaintiff and the FLSA Collective to work in excess of 40 hours each week.

45. Humana were aware that Plaintiff and the FLSA Collective worked in excess of 40 hours each week.

46. Humana willfully disregarded their obligations under the FLSA.

47. At all relevant times, Humana was required to keep and maintain accurate records of the hours worked by Plaintiff and the FLSA Collective.

48. At all relevant times, Humana failed to maintain accurate time records of all hours worked by Plaintiff and the FLSA Collective in violation of the FLSA's recordkeeping requirements.

49. As the direct and proximate result of Humana's unlawful conduct, Plaintiff and the FLSA Collective have suffered a loss of income and other damages.

50. Plaintiff and the FLSA Collective are entitled to back wages, liquidated damages in an equal amount, attorneys' fees and costs, and such other legal and equitable relief as the Court deems just and proper.

51. Members of the FLSA Collective are readily ascertainable. For purposes of notice, and other purposes related to this action, their names, emails and addresses are readily available from Humana. Notice can be provided to the FLSA Collective via electronic and/or first-class mail to the last address known to Humana.

PRAYER FOR RELIEF

Plaintiff, on behalf of herself and the FLSA Collective employed by Humana, demand judgment against Humana as follows:

- A. Certification of this action as a collective action under the FLSA, and prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated persons of the FLSA opt-in class, apprising them of the pendency of this action, and permitting them to assert timely FLSA claims by filing individual Consent to Join forms pursuant to 29 U.S.C. § 216(b);
- B. Designation of Plaintiff as the Representative of the FLSA Collective;
- C. A judgment in favor of the Plaintiff and all others similarly situated for unpaid wages, liquidated damages, prejudgment interest on unpaid wages, and reasonable attorneys' fees and costs in accordance with the FLSA, 29 U.S.C. § 216;
- D. Judgment against Defendants that Defendants' violations were willful; and
- E. Such other and further relief as this Court may deem just and proper.

Respectfully submitted, this 17th day of June 2025.

s/Beth A. Moeller
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GA Bar No. 036792
Beth A. Moeller
GA Bar No. 100158
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Attorneys for Plaintiff and the FLSA
Collective

EXHIBIT

1

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

MONICA MAXWELL-DILLARD,
individually and on behalf of all others
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Plaintiff,

v.

HUMANA, INC. And HUMANA
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Defendants.

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**CONSENT TO JOIN COLLECTIVE ACTION COMPLAINT FOR
VIOLATIONS OF THE FAIR LABOR STANDARDS ACT**

By my signature below, I hereby consent and agree to pursue my legal claims against Defendants Humana, Inc. and Humana Government Business, Inc. (collectively “Humana”) under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.* and join and/or opt-in to become a party plaintiff and collective representative in this legal action against Humana to obtain unpaid overtime compensation, liquidated damages, attorneys’ fees, costs and any other relief arising out of my employment with Humana as a Registered Nurse Case Manager from 2022 to the present, or any separate or subsequent action seeking remedies from Humana or its related entities.

I designate the law firm of Moeller Barbaree LLP, and any law firm they associate to represent me in the action(s) and, to file this consent with the Court. I further agree to be bound by any settlement approved by my attorneys or any

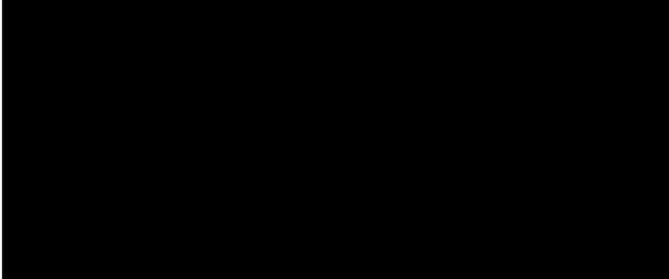
decision by any Court as to my rights in this matter, as fair, adequate and reasonable.

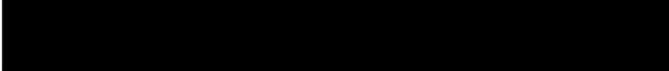
Signature: Monica Maxwell-Dillard
Monica Maxwell-Dillard (Jun 16, 2025 16:08 EDT)

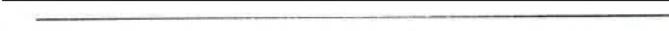
Name (Print): Monica Maxwell-Dillard
Monica Maxwell-Dillard

Date: Jun 16, 2025

Information below will be redacted in filings with the court. Please print or type.

Address:  _____

Phone:  _____

Email:  _____